

**WASHINGTON COUNTY COMMISSION**  
**MEETING MINUTES**  
**MARCH 1, 2011**

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman Dennis Drake at 4:00 p.m. on March 1, 2011, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Commission Chairman Dennis Drake, Commissioner James J. Eardley, Washington County Administrator Dean J. Cox, Deputy County Attorney David L. Patterson, and Deputy County Clerk Christine Hall.

Commissioner Alan D. Gardner, out of town on County business, was excused.

*The Spectrum* was represented by Brian Ahern at the meeting.

Commissioner Eardley led the Pledge of Allegiance.

**AGENDA**

**CONSENT AGENDA:**

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the Regular Agenda.

- Consideration of Auditor Approved Claims for Payment for February 16, 2011, through March 1, 2011
- Consideration of Approval of Regular Commission Meeting Minutes of January 4, 2011, and February 1, 2011
- Consideration of Administrative Adjustments: Real Property (attached)
- Consideration of Applications for Property Tax Abatement:  
Dean and Elizabeth Peterson, Serial Number W-CME-A-1-29; and Flora Ruesch, Serial Number S-4-B
- Consideration of Applications for Settlement or Deferral of Property Taxes:  
Jacquelyn Albritton, Serial Number H-DSP-E-57; Joseph & Erin Johanson, Serial Number SG-MPH-3-50; Robin May, Serial Number W-5-2-36-112; and Ricky and Sandra Nelson, Serial Number SG-CVTH-3-71

**Actions of the Washington County Planning Commission Meeting / 02-22-11**

**Conditional Use Permit Extension:** Request permission for Tour de St. George to be held on April 9, 2011. The route will loop from St. George up Highway 18 to Veyo, then back via the road from Veyo to Gunlock and Highway 91 back to St. George. Spin Geeks, LLC/Red Rock Bicycle, applicant

The Tour de St. George series has been running since 2005, and the Planning Commission reviewed this item in 2005, 2006, 2009 and 2010. This is a one hundred (100) mile recreational bicycle ride known as the Century Ride, with approximately three to four hundred (300-400) riders. There are also a thirty (30) mile citizen ride and a seventy-five (75) mile ride. All community approvals have been obtained. The route will impact some County roads, as they will be doing a loop from St. George up Hwy. 18 to Veyo then back via the road from Veyo to Gunlock and Hwy. 91 back to St. George. There will be two sanitary facilities at each rest station. The County Sheriff's Department will need to be notified of this event, and the County has previously been listed as a beneficiary on the liability insurance policy. There have been no complaints on this item. *Planning Commission unanimously recommended approval.*

**MOTION: Motion by Commissioner Eardley to Approve the Consent Agenda, as presented. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Drake and Eardley voting aye.**

**REGULAR AGENDA ITEMS FOR CONSIDERATION:**

**VOLUNTEER OF THE MONTH / CAROL HOLLOWELL**

No presentations were made today.

**PURCHASE REQUESTS / MARK BLANCH**

Sheriff's Office, computer equipment ..... \$ 15,199.30

*All purchases are budgeted, bonded, or paid for through grant funds.*

**MOTION: Motion by Commissioner Eardley to Approve the Purchase Request(s), as presented. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Drake and Eardley voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2011-1539, A RESOLUTION TO APPROVE AND ADOPT AN AGREEMENT BETWEEN WASHINGTON COUNTY AND THE UTAH DIVISION OF FORESTRY, FIRE, AND STATE LANDS, SOUTHWEST UTAH AREA, TO PROVIDE WORK OPPORTUNITIES TO ELIGIBLE INMATES AND UTILIZE THE WORK OF INMATES AT THE CONFLUENCE PARK SITE**

This is a routine contract which allows the use of Purgatory Correctional Facility inmates to perform work functions at various sites around the County.

**MOTION:** Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1539, A Resolution To Approve And Adopt An Agreement Between Washington County And The Utah Division Of Forestry, Fire, And State Lands, Southwest Utah Area, To Provide Work Opportunities To Eligible Inmates And Utilize The Work Of Inmates At The Confluence Park Site. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Drake and Eardley voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2011-1540, A RESOLUTION TO APPROVE AND ADOPT AN AGREEMENT BETWEEN WASHINGTON COUNTY AND THE RED CLIFFS DESERT RESERVE TO PROVIDE WORK OPPORTUNITIES TO ELIGIBLE INMATES AND UTILIZE THE WORK OF INMATES AT VARIOUS SITES WITHIN WASHINGTON COUNTY**

This is an agreement much like the previous one, allowing inmates to perform work functions at sites under the control of the Red Cliffs Desert Reserve.

**MOTION:** Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1540, A Resolution To Approve And Adopt An Agreement Between Washington County And The Red Cliffs Desert Reserve To Provide Work Opportunities To Eligible Inmates And Utilize The Work Of Inmates At Various Sites Within Washington County. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Drake and Eardley voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2011-1541, A RESOLUTION TO APPROVE AND ADOPT AN AGREEMENT BETWEEN WASHINGTON COUNTY AND THE NEW HARMONY RESERVOIR AND IRRIGATION COMPANY, WHEREBY THE NEW HARMONY RESERVOIR AND IRRIGATION COMPANY WILL SUPPORT AND INDEMNIFY WASHINGTON COUNTY WITH REGARD TO THE COUNTY'S REQUIREMENTS UNDER THE COOPERATIVE AGREEMENT WASHINGTON COUNTY HAS WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE TO IMPLEMENT EMERGENCY WATERSHED PROTECTION MEASURES IN THE NEW HARMONY AREA**

This agreement is the final measure to implement emergency watershed protection measures as a result of the flood in August of 2009 in the New Harmony area. The agreement is also subject to New Harmony Reservoir and Irrigation Company meeting the requirements and providing necessary documentation.

**MOTION:** Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1541, A Resolution To Approve And Adopt An Agreement Between Washington County And The New Harmony Reservoir And Irrigation Company, Whereby The New Harmony Reservoir And Irrigation Company Will Support And Indemnify Washington County With Regard To The County's Requirements Under The Cooperative Agreement Washington County Has With The United States Department Of Agriculture Natural Resources Conservation Service To Implement Emergency Watershed Protection Measures In The New Harmony Area, subject to New Harmony Reservoir and Irrigation Company Meeting All Requirements and Providing Necessary Documentation. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Drake and Eardley voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2011-1542, A RESOLUTION TO APPROVE AND ADOPT AN AGREEMENT BETWEEN WASHINGTON COUNTY AND GARY G. KUHLMANN TO PROVIDE APPELLATE PUBLIC DEFENDER SERVICES FOR INDIGENT ADULTS AND JUVENILES IN CRIMINAL CASES IN COURTS IN WASHINGTON COUNTY**

**MOTION:** Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1542, A Resolution To Approve And Adopt An Agreement Between Washington County And Gary G. Kuhlmann To Provide Appellate Public Defender Services For Indigent Adults And Juveniles In Criminal Cases In Courts In Washington County. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Drake and Eardley voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2011-1543, A RESOLUTION TO ACKNOWLEDGE AND APPROVE AN AGREEMENT BETWEEN ARIC CRAMER, DOUGLAS D. TERRY, AND THE UTAH INDIGENT DEFENSE FUNDS BOARD FOR INDIGENT CAPITAL DEFENSE COUNSEL SERVICE FOR PAUL CLIFFORD ASHTON**

This is an action required by the State of Utah, by which the County must provide for the defense of indigent persons accused of capital crimes.

**MOTION:** Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1543, A Resolution To Acknowledge And Approve An Agreement Between Aric Cramer, Douglas D. Terry, And The Utah Indigent Defense Funds Board For Indigent Capital Defense Counsel Service For Paul Clifford Ashton. Motion seconded by Commissioner Drake

**and carried by unanimous vote, with Commissioners Drake and Eardley voting aye.**

**COMMISSIONERS' REPORT**

No items were presented today.

**PUBLIC WORKS OR ROAD BUSINESS**

No items were presented today.

**COUNTY DEVELOPMENT AND PLANNING BUSINESS**

Administrator Dean J. Cox said that it has become necessary to add additional public defenders. He recommends entering into a contract with Mr. Michael Lastowski based on an initial eight thousand dollars (\$8,000) per month until such time as another public defender may be hired, at which time Mr. Lastowski's monthly rate will fall to four thousand dollars (\$4,000).

**MOTION: Motion by Commissioner Eardley to Approve a Public Defender Contract with Mr. Michael Lastowski as presented above. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Drake and Eardley voting aye.**

**Request a Closed Session**

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:16 p.m.

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CHRISTINE S. HALL  
DEPUTY CLERK

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DENNIS DRAKE  
CHAIRMAN